

**Minutes  
State Board of Education  
Monday, August 22, 2005**

The Arizona State Board of Education held its regular meeting at Northern Arizona University, du Bois Center, Pine Knoll Road, Flagstaff, Arizona. The meeting was called to order at 9:00 AM.

**Members Present**

Mr. Jesse Ary  
Ms. Nadine Mathis Basha  
Dr. Matthew Diethelm  
Ms. JoAnne Hilde  
Superintendent Tom Horne  
Ms. Joanne Kramer  
Ms. Anita Mendoza  
Dr. Karen Nicodemus  
Ms. Cecilia Owen  
Dr. John Pedicone

**Members Absent**

Dr. Michael Crow

**PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

**1. APPROVAL OF MINUTES**

- A. June 16, 2005 AIMS Study Session
- B. June 16, 2005 Executive Session
- C. June 27, 2005 Regular Meeting

Motion to approve minutes as submitted by Dr. Nicodemus. Seconded by Dr. Pedicone. *Motion passes.*

**2. BUSINESS REPORTS**

**A. President's Report**

Dr. Diethelm thanked the members for their participation in the Retreat sessions held on August 21, 2005, noting that they have laid a foundation for long-term policy directions for the State Board.

**B. Superintendent's Report**

Superintendent Horne congratulated Ms. Owen on the opening of Ponderosa High School, an accommodation school that will give students who have dropped out, or are in danger of dropping out, a second chance.

**C. Board Member Reports**

There were no reports at this time.

**D. Director's Report, Including  
Discussion and Possible Legal Action**

- 1. Update Regarding Board Personnel
- 2. Other Items as Necessary

Mr. Vince Yanez, Executive Director, State Board of Education, noted that vacancies in the Investigative Unit have been posted for an Administrative Assistant III and a Chief Investigator. The Chief Investigator, Ms. Lisette Flores, accepted a position as a prosecutor with the City of Phoenix.

Mr. Yanez stated that a petition was filed by the Attorney General's Office alleging that Colorado City School District has grossly mismanaged school finances. That petition has been served and Colorado City has the opportunity to respond. He added that this item will come to the State Board of Education, when a special session will likely be required to consider this matter in the near

future. Petition and district response will be forwarded to members as soon as they are received.

3. SPECIAL PRESENTATION at 1:00PM:

NCATE ACCREDITATION AND TEACHER QUALITY

Dr. John Haeger, President, Northern Arizona University, stated that they are gearing up for the Fall semester when they will welcome 250 international students including 20 Chinese faculty. Dr. Haeger noted that a number of the Presidents of Chinese universities have announced to their campuses that they will teach their entire curriculum in English and the Chinese faculty are here to work on these goals.

Dr. Haeger noted NAU's long history in teacher preparation and stated that it is one of their largest areas in terms of undergraduate and graduate education. He added that they are making a commitment to the SBE and the Governor regarding NAU's expertise in the field of education and its willingness to listen and learn from the state's teaching community. He added that their intent is to recruit the best students into teacher preparation and that they will move financial aid dollars into the program particularly in the areas of math and science.

Dr. Haeger said that he is convinced that if NAU is going to help lead many of the future changes regarding teacher preparation, they have to put their programs to national accreditation, particularly the National Council for Accreditation of Teacher Education (NCATE) which would be the first in Arizona. He noted that this is a national stamp in terms of program quality and will be helpful in moving monies into the teacher preparation programs. Dr. Haeger added that NAU wants the SBE to be involved with them in this endeavor.

Dr. Diethelm responded that the SBE has discussed failing and underperforming elementary and secondary schools and have noted the following:

- Teachers need to
  - know the standards and understand how to teach to those standards
  - successfully do lesson planning
  - give individual instruction to help children succeed
- Current teachers need training in
  - utilizing their skills
  - bringing them up to date so they can meet the standards

Dr. Haeger agreed that this is a major piece of the Governor's agenda as they work on how to target professional development to assist teachers in teaching to the standards and being prepared to deal with this generation of students. He added that many students come to the university unprepared to study and the University's task is to bring students up to where they need to be.

Ms. Hilde noted that it is an honor to serve on the advisory council to the College of Education and to see its present status as a teacher preparation entity.

Dr. Haeger added that they will utilize and track the following:

- accountability as delineated in the state standards
- retention and graduation rates
- teachers in the classroom
- size of classroom
- all other aspects that have an affect on education

4. CONSENT ITEMS

- A. Consideration to Approve Contract Abstracts
- B. Presentation, Discussion and Consideration of Arizona Program Standards for Beginning Teacher Induction
- C. Consideration to Approve Nominations to the Special Education Advisory Committee (SEAP)
- D. Consideration to Accept the Consent Agreement for the Voluntary Surrender and Termination of the Charter Contract of Terra Rosa Charter School

- E. Consideration to Approve Proposals for Training Programs Relating to Full Structured English Immersion Endorsements
- F. Consideration to Approve Proposals for Training Programs Relating to Provisional Structured English Immersion Endorsements
- G. Presentation and Discussion of the Update on Wallace Foundation State Action for Education Leadership Project II (SAELP II)
- H. Consideration to Budget and Accumulate in the Unrestricted Capital Section for FY 05-06 For the Following School Districts:
  - 1. Ft. Thomas Unified School District
  - 2. San Carlos Unified School District
- I. Consideration to Accept the Voluntary Surrender of The Teaching Credentials of the Following Individual:
  - 1. Sheri McClintock, Case #C-2005-094
- J. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Approve Certification for the Following Individuals:
  - 1. Christian Dix, Case # C-2004-213 R
  - 2. Adam Grady, Case #C-2005-032 R
  - 3. Terry McMurry, Case #C-2005-059 R
  - 4. Denise Eden, Case #C-2005-009 R
  - 5. Alvin Tsingine, Case #C-2005-076 R
  - 6. Joseph Olney, Case #C-2005-040 R
- K. Consideration to Approve Renewal of AZ READS Contracts with Scholastic Red and Voyager U

Motion to approve the Consent Agenda with the exception of Item 4J4 by Dr. Pedicone and seconded by Ms. Owen. *Motion passes.*

ITEM 4J4: Denise Eden, Case #C-2005-009 R

Mr. Vince Yanez, Executive Director, State Board of Education, presented background information as provided in the materials packet. Ms. Eden addressed the Board stating that she moved to Arizona three years ago and has taught at ChildHelpUSA as a special education teacher and at a charter high school in Phoenix. She added that her current employer, as well as previous employers are available to testify on her behalf.

Dr. Pedicone asked if there was any re-occurrence of any usage since that time and Ms. Eden stated, "no, sir".

Motion to approve Item 4J4 as presented by Dr. Pedicone and seconded by Dr. Nicodemus. *Motion passes.*

## 5. CALL TO THE PUBLIC

There were no additional requests received from the public.

## 6. GENERAL SESSION

- A. Consideration to Accept the Recommendation of The Professional Practices Advisory Committee And Revoke Certification for the Following Individual:
  - 1. Jeffrey French, Case # C-2004-092

Mr. Vince Yanez, Executive Director, State Board of Education, presented background information as provided in the materials packet.

Mr. Chad Sampson, Assistant Attorney General, participated telephonically for this item.

Mr. William Hobson, legal counsel for Mr. French, noted that Mr. French wished to speak on his own behalf and that a pending oral argument is set for two days from now in regards to a wrongful dismissal.

Mr. Jeffrey French stated that he was a student teacher in 1990 and that he had no problems or complaints until 1997 when a disagreement with another teacher occurred. He stated that

disagreements occurred with ten other teachers with no written complaints and then he moved to another district. He added that the present problems occurred when one student complained. He stated that the school did not investigate the personal problems that the student was having, but that the school was out to get him. Mr. French noted that 18 people testified against him but 25 people testified on his behalf.

Mr. Chad Sampson, Assistant Attorney General, noted that the state has already presented its rebuttal to the PPAC and asked members to pay special attention to the Findings of Fact and Conclusions of Law noted by the PPAC in the materials provided.

Dr. Pedicone asked if the individual allegations involving problems with faculty and staff are considered to be accurate and truthful and Mr. Sampson responded that they were found to be credible and that they were mentioned in the Conclusions of Law as part of the unprofessional conduct.

Dr. Pedicone noted that the PPAC's decision was based on a history of these kinds of behaviors including the allegations of students regarding sexual improprieties. Mr. Sampson noted that there were two students that testified at the district hearing and those testimonies were admitted into the PPAC hearing. Mr. Sampson clarified that all allegations in the Conclusions of Law are the basis for the PPAC's decision which included the students' statements.

Mr. Yanez reminded members of the options available:

- Accept the recommendation of the PPAC to revoke Mr. French's credentials which would result in the following:
  - Certificates are no longer valid
  - Not permitted to teach or work as an administrator in Arizona
  - Not permitted to work in a charter school in Arizona
  - Not eligible for re-application for a period of five years
- Reject or modify the recommendation and determine that one of the following is appropriate:
  - No action be taken
  - Issue a letter of censure
  - Suspension for a period of time determined by the Board
  - Suspension with conditions

Ms. Mendoza asked about Mr. French's allegation that no complaints by staff members were in his file until the student's allegation came out and Mr. Yanez explained that there were two proceedings that the PPAC dealt with:

- District proceeding when allegations first surfaced which did not encompass all of the allegations
- The additional allegations that were included in the State Board investigative process

Mr. Hobson noted the following timeline:

- In 2001 there was a disciplinary matter in a conflict with an administrator where Mr. French received five days off but there was no sexual harassment claim made
- In March 2004 a student told another student that Mr. French had solicited
- Prior to this time, there was no report from any teacher of a complaint of sexual harassment or any conduct in the workplace that resulted in any discipline
- In 2001 Mr. French was transferred from Bethune to Phoenix Preparatory
- After this other women's complaints were introduced by the Investigative Unit
- In September 2004 there was a proceeding where his employment was terminated
  - State introduced transcript of hearing that will be held on Wednesday

Dr. Pedicone stated that it is important to understand the timeline and the information the Investigators have found including instances that may be a result of a continued history of bad judgment, hostile behavior toward females, employees saying they felt intimidated and needed to call emergency phones in the administrator's office, etc.

Mr. French stated that these allegations are not true, that other teachers had it in for him and that they stretched the information. Mr. French added that his principal told him to be quiet and shut his mouth and Mr. French added that he felt it was not right that he could not speak on his own behalf. Dr. Nicodemus asked Mr. French to explain the appropriate way a teacher should deal with a student who is troubled.

Mr. French responded that this particular student was absent a lot and in an effort to help her and get her to school he asked her to be a student helper and urged her to have regular attendance and participate. He said that when he found out about her personal problems, he let the school know but they didn't want to do anything about it. Mr. French said that he was not aware of a problem until he received a complaint and a voice message at home from the school administration asking him not to come back to school. He stated that he did not know anything was happening. He noted that he would never do or say anything inappropriate with students or staff. He added that students were never alone with him, the allegations are not true, he does not hug students, he is always careful, and he would never be in a classroom alone with a student, male or female.

Dr. Nicodemus asked that if Mr. French's practice is not to have any physical contact with students how did he explain the allegations? Mr. French stated that there has never been a complaint but one student stated that he was prejudiced against Mexicans and another student stated she is Mexican and didn't like Mr. French.

Dr. Nicodemus asked if any of these allegations ever occurred, and he responded that none of them ever occurred.

Mr. Ary asked Mr. French if the explanations of allegations were accurate or why they were out to get him and Mr. French responded that all the others got on the band wagon to get him after the first one came out.

Mr. Ary asked if all these instances were resolved and by whose definition and Mr. French responded that they were resolved by the principal, were supposed to be in writing, and that he had seen one about the teacher who complained that he asked her to be a volley ball coach. Mr. French stated this complaint was dismissed.

Mr. Yanez noted that in a complaint case such as this, a full hearing has been held which lasted seven days, and that an appeals process is available through Superior Court.

Motion by Ms. Hilde to accept the Findings of Fact, Conclusions of Law and revoke the teaching credentials held by Mr. Jeffrey French. Seconded by Dr. Pedicone. *Motion passes. Dr. Nicodemus abstained.*

Ms. Hilde noted that she had listened very carefully and found Mr. French very persuasive. She added that the committee's process in hearing all the testimony over a 7-day period, which lays the basis of fact, and having read the file and the bulk of materials received, she is comfortable accepting the recommendation of the PPAC.

B. Presentation, Discussion and Consideration Regarding the Request for Certification by the Following Individual:

1. Lisa Valen, Case #C-2004-156 R

Mr. Vince Yanez, Executive Director, Arizona State Board of Education, presented background information as provided in the materials packet. He noted that new information was received and the PPAC has reconsidered Ms. Valen's case with a vote of 2-2 and noted that the Board has three options:

- Approve certification
- Deny application for certification
- Remand the matter to the PPAC for consideration until the committee is able to come to the State Board with either a positive or negative recommendation

Mr. William Holder, legal counsel for Ms. Valen, requested that the Board approve the application without further ado as she is currently working as a full-time Spanish teacher and that her department chair will speak in her favor. Mr. Holder added that if the certification is not approved,

Ms. Valen will be moved to a long-term substitute position. Mr. Holder clarified the history of this case:

- Ms. Valen has appeared before the PPAC two times in reference to the following:
  - A 1987 conviction with a PPAC vote of 6-1 in favor of approval
  - 3-day suspension without pay for smoking in her car in front of students and using swear words in front of students
    - Principal recommended contract renewal
  - Mishandling of fundraiser monies which resulted in a letter of direction
    - mistakenly let a parent be in charge of the monies and discarded it with other papers not realizing there was money included with the papers
    - Principal recommended contract renewal

Superintendent Horne asked if the PPAC changed its recommendation based on the new information and added that this seems to be a troublesome case and Mr. Yanez reminded members that the PPAC's Findings of Fact are before the Board. Mr. Yanez reminded members that originally the PPAC was asked to review the matter again as if it were a brand new case and consider all three circumstances.

Ms. Nancy Oyen, Assistant Attorney General, noted that this was a difficult case and Assistant Attorney General Mr. Chad Sampson is available via phone if members have questions for him.

Ms. Valen addressed the points under consideration by the State Board:

- She was involved with the wrong people and heading in the wrong direction when she was convicted of possession, intent to deliver and delivery
- Started taking college courses in prison and continued education since prison
- Moved here 4 years ago, worked as a substitute in Glendale USD in a full-time position in 04-05 and coached the spirit line
- Principal suggested that a parent assist with fund-raising and after money was thrown away was informed that parents should never be allowed to handle any monies
  - Will be responsible for any monies from this point on
- Was trying to be a cool teacher, not a student's friend, but open to students being comfortable to come to her
- Has learned to be more formal, not give rides, not smoke in front of students, etc.
- Doesn't play around, makes sure students get a good education, makes sure all students participate
- Students did well in high stakes test last year and she has maintained a distance
- Is excited that the school is looking to her for suggestions regarding foreign language education

Dr. Pedicone asked if it was clear with the school that the money was not stolen and Ms. Valen responded, "Absolutely", and added that the amount was \$4000 which insurance covered. Mr. Holder pointed out that the letter of direction indicated negligence but did not indicate Ms. Valen had stolen the money. Dr. Pedicone noted that this decision rests on whether the SBE believes whether or not these incidents would prevent Ms. Valen from receiving her certificate.

Mr. Yanez clarified that at the time the more recent allegations surfaced they had not been investigated so this case was remanded back to the PPAC. Mr. Yanez added that a tie is the same as a "no action" so this Board must approve or deny with no recommendation from the PPAC. He noted that Mr. Holder and Ms. Valen had a choice of going back to the PPAC for a clear recommendation or come before the State Board with the 2-2 PPAC vote, which is what they chose to do.

Mr. Ary asked if a 2-2 vote means not to bring a recommendation regarding certification to the SBE and whether the PPAC has abdicated its responsibility. Mr. Ary stated his concern about taking action regarding this case without a clear recommendation from the PPAC.

Mr. Holder stated that he and Ms. Valen elected to come before the SBE rather than go back to the

PPAC because the employer would like to have the matter cleared up since Ms. Valen is teaching under a substitute certificate in Dysart, but will not be able to continue except as a substitute beyond today's meeting.

Ms. Mendoza noted that Ms. Valen used poor judgment and asked if Ms. Valen would be willing to utilize mentors/helpers if they are available and a need arose.

Ms. Valen responded that they have a team leader situation and an open door policy so teachers can always get help. She assured members that she would ask for guidance if needed.

Dr. Pedicone added that Ms. Valen's performance in Dysart belongs to Dysart and the SBE must decide whether she is able to have the opportunity to continue teaching.

Dr. James Ward, Department Chair/Team Leader, World Languages Department, Willow Canyon High School stated that he was aware of Ms. Valen's history including the charges/convictions in 1987, her suspension at Washington High School, her recommendation for renewal in the Glendale USD and the investigation regarding the mishandling of fundraising money where Ms. Valen received a letter of direction.

Dr. Ward stated that he has observed Ms. Valen even when she didn't know she was being observed, that she is an excellent teacher with excellent classroom management and that she is a good teacher. He added that he has seen, in the last three weeks, that she is apologetic about past mistakes and he has observed positive professional relationships in her classroom. Dr. Ward noted that he is her immediate supervisor and added that Ms. Valen is one of the best Spanish teachers they have and that he can't say anything but positive things about her teaching.

Dr. Pedicone asked about the role of the principal in hiring Ms. Valen and Dr. Ward responded that the Assistant Principal hired Ms. Valen but the Principal had to see the hire recommendation.

Motion by Superintendent Horne to approve Ms. Valen's application for certification. Seconded by Ms. Basha. *Motion passes. Ms. Owen and Mr. Ary voted no.*

C. Presentation, Discussion and Consideration of Proposed Modifications to the AZ LEARNS School Classification Formula

Dr. Robert Franciosi, Deputy Associate Superintendent, Research and Evaluation Section, Arizona Department of Education, presented background information and noted the reasons for the requested changes:

- This is a new test with new standards
  - This is a transition year and several components of the formula need to be changed so it remains a valid and reliable measure of school performance
- Increase the validity and reliability of the AZ LEARNS system
  - Correct some glitches that have come up over the past few years in school evaluations

Dr. Franciosi explained the method of setting cut scores:

- On-site visits to schools
- Utilizing information gathered at these visits to assist in this method

Mr. Dale Parcell, Deputy Associate Superintendent for School Improvement, Arizona Department of Education, explained how these methods were used and the perspective gained in working with schools:

- First year of AZ LEARNS the law did not provide assistance but the schools were required to provide an improvement plan
- In 2003 they began working in an intentional way to identify schools as underperforming and assist schools in avoiding progression in consecutive years
  - If under-identified they could lose the ability to work with schools
  - If over-identified they run the risk that the label itself loses credibility in that schools working hard to address their own issues don't feel acknowledged by the formula
- Need a balance

- Looked at spreadsheets and considered where a line can be drawn
- Opinion is that the line is appropriate and indicates the following
  - Needs have been relatively consistent
  - Professional growth and development plans need to align with the school improvement plan
  - Not yet using data to guide decisions
  - Lack of emphasis on effective teaching strategies
- Cut is appropriate in that it identifies those who need improvement

Ms. Mendoza noted her concern that we need to go beyond identifying the underperforming schools and provide sustainability.

Mr. Parcell noted that the history is that those schools that received help have sustained their improvement. He added that assist coaches keep in continual contact with the objective of keeping the school focused on resources for training.

Mr. Parcell explained the two types of teams:

- Solutions Team
  - people from the field who receive additional training certifying them to
    - visit the schools
    - use the standards and rubric for school improvement
    - highlight the programmatic strengths
    - highlight the pieces in place that improve academic performance
    - highlight the school's needs
  - they return to their regular employment in education after the evaluations are completed
- Assist Coaches
  - Employees of the Arizona State Department of Education
    - keep the school focused on the Solutions Team recommendations
    - keep contact with schools monthly at a minimum
    - help school find resources for training, etc.
      - Best Practices offers classes in curriculum alignment
    - familiar face at the school
      - there to assist, encourage and help make needed changes

Mr. Parcell added that there are external facilitators, who are private consultants, on the NCLB side who also can assist schools. He added that if an underperforming school is also in Title I School Improvement, they may have access to an external facilitator as well.

Dr. Pedicone referred to the schools newly identified as underperforming and asked that with some of the interventions already taking place whether the schools could have possibly been performing but have moved backward. Mr. Parcell noted that they have not had sufficient data in past years. He added that direct contact has been made with under a dozen of these schools. Title I specialists have contact with the schools and also those schools that are in the same district they have worked with, but they have not had direct contact with all of the schools. He noted that some schools will be surprised to get an underperforming label and some won't.

Regarding what barriers might be present, Mr. Parcell noted that they believe they have the resources and are hiring additional full-time specialists.

Ms. Owen asked if they see schools climb out and fall back and whether there is a plan for one school to help another? Mr. Parcell responded that last year they had a disproportionate number of charters because of the achievement profile required, but they don't see a disproportionate number being rural. He added that they are excited about bringing underperforming schools together with schools that have sustained their movement toward performing. He noted that the IDEAL web portal will begin next month on the ADE web site which will also help schools sustain their



movement. He noted that after the ADE's guidance has been given and schools gain a performing status, the fear is that they will relax and not continue to pursue a continuing performance improvement. He added that the ADE will encourage schools to tap into all resources and improve their efforts.

Ms. Basha asked if there was a common pattern of schools that slide back and if more effective strategies can be utilized. Mr. Parcell assured the Board that they will investigate and will have more ability after the cut line is established for underperforming. He noted that given one-on-one attention, the schools did move to performing but when the support was decreased they slipped back. He stressed that this is one reason the School Intervention Department makes a two-year Intergovernmental Agreement with the schools in order to maintain the sustainability.

Ms. Basha encouraged the Department to continue to analyze, document, and fine-tune to lead the Board in what changes needs to take place.

Dr. Nicodemus noted that a bigger issue is when schools move from underperforming to performing and assistance is diminished. She stated that her concern is that this could look like a moving target and from a district's perspective whether the label could be perceived by the outside world as if they are not being consistent. Dr. Nicodemus wondered if the best thing that can be done for the students is to have the underperforming label so extra efforts are made to assist the school.

Dr. Diethelm noted that the bottom line for every school is to educate the students so they can meet the standards and demonstrate it on the exam. He added that what the Legislature has asked the SBE to do is to set these particular classifications in place to motivate the schools to improve.

Mr. Horne stated that the line is within the range given to the State Board by a group of stakeholders which included representatives from all aspects within the education community.

Dr. Pedicone stated that if we believe the system and process have integrity and are valid, then we can do the best we can. He noted that the Board's agenda is to improve schools. He added that his problem is regarding why schools would retreat. He noted that no superintendent wants their school to fail and that we need to see how the school can be helped and consider monitoring or continual assistance at some level.

Ms. Mendoza stated that we are not only here to motivate schools but to motivate ADE to help those schools and that additional step needs to be taken. She noted that there needs to be a deeper effort to meet the systemic needs of schools.

Dr. Franciosi pointed out that the baselines and status are being reset this year. In the past the AZ LEARNS formula has been generous in handing out growth points so performance has been masked by growth, high performance in 2000 and 2001 and in an attempt to increase the validity of identifying the right schools this year, some new schools will be identified as underperforming.

Dr. Franciosi provided the following information as a follow-up to the discussion at the Retreat:

- Number of underperforming elementary schools if the cut point was left at 12
  - 55 compared to 91
- Number of underperforming elementary schools if the cut point was left at the high range of the old scale of 11.3
  - would have been 38
- Number of failing schools might there be this year
  - 11 that are two years underperforming
    - Two of these would get a failing label regardless of where the cut score is set
- Cut points for high school
  - 9.6 underperforming
  - 9.6 to 15 highly performing
  - 17+ for excelling

Mr. Horne pointed out that the ADE is engaged in a joint project with ASU to benchmark what

schools fall into particular categories and matching those schools through “Prism”.

Dr. Diethelm reminded members that this year’s test will be reflected in the point scores, which is 1/3 of the formula, as well as how they did this year; the status. The formula includes the benefits gained by the students doing better. He added that we need to think about those who need to get above the line and those that are barely above the line and need to continue moving up. He cautioned that all schools need to improve in one way or another.

Dr. Nicodemus agreed that the ADE is doing the right thing but that it is hard to move people if they don’t understand why the move has to be made.

Dr. Diethelm reminded members that the goal is for 100% proficiency by 2014.

Dr. Franciosi clarified that under their new policy every school will receive a profile in its first year of operation which is to conform with NCLB, to deal with new schools popping up, and satisfy the public’s desire to know how their school is doing.

Ms. Mendoza suggested a more pro-active method of notifying the school of its label, where to find help, and the ongoing help that will be available.

Motion by Ms. Owen to adopt the proposed changes to the AZ LEARNS formula as presented.

Seconded by Ms. Kramer. *Motion passes.*

Superintendent Horne commented that in the beginning of these efforts there were many predictions of a possible failure but Mr. Parcell’s section has identified and trained over 300 teachers and 70 of the 81 underperforming schools have become performing schools.

Dr. Pedicone added that this is the right decision and that he is concerned that the word gets out to the schools. He noted that other education groups could assist in getting the word out.

Superintendent Horne emphasized that Department staff continues to go around the state and inform schools.

#### D. Presentation, Discussion and Consideration of the Implementation Plan for the Failing Schools Tutoring Fund

Ms. Nancy Konitzer, Deputy Associate Superintendent, Academic Achievement Division, Arizona Department of Education, presented background information provided in the materials packet. Ms. Konitzer noted that this is not to be a homework helping program and needs to be outside the student’s regular instructional day. She added that they are looking at an electronic, online system to track students and are working with ADE’s MIS Department to build a database system to provide payment to tutors for services rendered and track training received by students.

Ms. Kramer asked how elementary students received tutoring and Ms. Konitzer responded that most were in after-school programs and noted that an underperforming student at a performing school could not have taken advantage of this program last year.

Mr. Ary asked how much data a parent gets from the online system and how a parent is able to review and/or discuss information with student.

Ms. Konitzer responded that terms regarding how this information will be given, when the tutoring will occur and how often communications will given to the parent will be written into the contract agreement at the beginning of services.

Ms. Mendoza noted that the recommendations reflect the in-depth discussions that the Tutoring Advisory Task Force had in working through all the details of this program. She asked if the eighth grade AIMS scores could be used to identify ninth graders who did not do very well or whether they should wait for the tenth grade test scores.

Superintendent Horne responded that the Legislature would have to be asked to make this change in statute and that this is an excellent idea. He added that there were excess funds for tutoring so this would make sense.

Dr. Nicodemus noted her concern that highly qualified teachers would not be eligible to give tutoring if they are from an underperforming school and Ms. Konitzer responded that the district should attempt to utilize staff from another school not labeled underperforming but can document an exception and ask the district principal/superintendent to certify the tutoring provider.

Ms. Hilde asked how we can assure that there will be monies available for the failing schools and if we run the risk of high school students utilizing all dollars available. In addition, she asked if there are funds available in December that high schools haven't used, whether a completely new second round could be run in December.

Ms. Konitzer responded that they already know which high school students have not passed all three tests and are now eligible for tutoring so they run the tutoring through November, see where they are and come back with the results of how much money was spent and how they want to treat students in underperforming and failing schools.

Ms. Hilde stated that we know at least 23,000 seniors have not yet passed one or more portions of AIMS and that we have some idea that all funds may not be used.

There was further discussion regarding how the success of tutoring may be documented and Superintendent Horne added that more students need to be motivated to avail themselves of the tutoring services.

Motion by Ms. Hilde to approve districts and charter holders to be providers for the State Tutoring Fund as "alternative tutoring program" providers and authorize payments in accordance with A.R.S. § 15-241 (Q). Seconded by Ms. Kramer. *Motion passes.*

Ms. Hilde clarified that this motion was necessary so that every school in the state would not have to go through the RFP process to utilize the tutoring funds.

Motion by Ms. Hilde to approve the recommendations from the Tutoring Advisory Task Force meetings as to the components of the tutoring program for the Failing Schools Tutoring Fund. Seconded by Dr. Pedicone. *Motion passes.*

*The Board took a break at 11:00AM and reconvened at 11:10AM.*

E. Presentation and Discussion Regarding AIMS Intervention/Dropout Prevention Grant Program

Dr. Karen Butterfield, Deputy Associate Superintendent, Academic Achievement, Arizona Department of Education, presented the background information provided in the materials packet. She stated that the proposal timeline is as follows:

- Post the RFP this month through ADE procurement
  - Update language of the RFP to reflect changes, i.e., AIMS DPA in place of AIMS and Terra Nova versus Stanford 9 for ninth grade, etc.
- Ask for approval to accept these funds at the September SBE meeting
- Applications reviewed by the ADE
- Allocate funds in October to qualifying and approved applicants
- Host a mandatory pre-application conference for interested applicants

She noted there would be plenty of funds available for high school tutoring in this program.

Ms. Hilde noted that a copy of the evaluation and last audit would be appreciated.

F. Presentation and Discussion Regarding the Revised List of Tests Used to Identify Gifted Students

Dr. Karen Butterfield, Deputy Associate Superintendent, Academic Achievement, Arizona Department of Education, and Mr. Jeff Hipskind, Director of Gifted Education and Advanced Placement, Academic Achievement, Arizona Department of Education, and Dr. Sandy Cohen, ASU, presented background information as provided in the materials packet.

Mr. Hipskind explained that statute states that a child can be identified as gifted if they are in the 97 percentile in any of three areas: verbal, non-verbal or quantitative, and that they can go into the gifted category for just mathematics and just art if they are in the 97 percentile as required.

Dr. Cohen clarified that LEP means Limited English Proficiency and the test is English-based and there is no version in Spanish.

G. Presentation and Discussion Regarding the Recent Efforts of The Arizona High School Renewal and Improvement Initiative

Dr. Karen Butterfield, Deputy Associate Superintendent, Academic Achievement, Arizona Department of Education, presented the background information as provided in the materials packet. Dr. Butterfield noted that she and Ms. Maxine Daly, Coordinator, Academic Achievement Division, Arizona Department of Education, continue their efforts in the following:

- Monthly conference calls with the US Department of Education and the Chief Council of State School Officers (CCSSO)
- Establishing small learning communities throughout the state
- Investigating the Striving Reader grant that was just posted to improve high school literacy and reading
- Sharing among states our high school renewal efforts
  - Arizona has been highlighted because of these efforts
  - Posting the high school summits
  - State of Georgia is replicating our model
- Superintendent Horne was represented at CCSSO's High School Leadership Institute last month and came back with information to continue advancing our initiative

She noted the background information included in the packet and the updated state team list, which includes Board members Ms. Hilde, Ms. Owen and President Diethelm. Dr. Butterfield also noted that the Breaking Ranks Trainers list is included in the information packet stating that they are beginning to communicate Breaking Ranks making it relevant to high schools and issues around the state of Arizona.

She added that the state team felt Breaking Ranks should be the foundation of our work here in Arizona and their new slogan is: "3-7-31, together we can get it done".

3 = three core areas of Breaking Ranks II

7 = seven cornerstone strategies

31 = thirty-one research-based strategies that high schools can implement to have success in making changes in their schools in order to improve academic achievement.

- First Arizona High School Summit on September 11-12 in Phoenix focusing on curriculum and instruction with a dynamic agenda. She invited members to attend as many as possible.
  - Will include top national speakers and consultants in reading and writing, including the Washington Post author of "Stand Up and Deliver"
  - Guides come out on September 19 and will help schools know how to help high school students
- Showcased this initiative to the Governor's P-20 Council

Additionally, Dr. Butterfield explained that they have the opportunity to work through the IDEAL portal. Data to be shared with the Governor's Council:

- What high school students need to know and be able to do
- Defining courses that high school students should be taking
- Importance of graduating from high school prepared to be contributing citizens
- Data to support and help them determine Arizona's high growth and occupations
- What courses need to be taught to meet employer expectations

Dr. Butterfield noted that they are planning a state team meeting in October.

Dr. Nicodemus noted that they need representation south of Tucson which is an area with unique needs and asked P-20 information to be made available to SBE members.

Ms. Basha stated she was happy to see efforts at coordination. She added that WestEd had presentations around high school reform as well. She noted that after much information gathering the real question is, "what is happening to high school students?" and "what are students doing to avail themselves of the available tools?" It was noted that the social and emotional cultures are huge issues that also should be considered.

Dr. Butterfield noted that these concerns are shared and that one recommendation is to pay attention to adolescent development and their needs.

Ms. Basha noted that we don't always ask the right questions of the students.

Ms. Mendoza commented that charter schools were originally meant to be innovators of curriculum and instructional strategy. They have added a third "R" so there is rigor, relevance and relationship in their quadrant.

Ms. Owen stated that they were recently looking at generational poverty and this seems to be a provocative and appropriate topic for teachers to know the impact on people in this state who are in poverty throughout their lives. She also emphasized the importance of skill sets being in place. Superintendent Horne noted that the successes of charters are noticed by the ADE and are being held up as models.

#### H. Presentation and Discussion Regarding the National Assessment of Educational Progress (NAEP) 2006 Testing

Dr. Cindy Paredes Ziker, State National Assessment of Educational Progress (NAEP) Coordinator, presented background information provided in the materials packet, noting that a small number of Arizona schools will be part of this testing in the summer and spring which will provide data that will help determine the best time to do the tests and what is happening with twelfth graders regarding NAEP.

Dr. Ziker explained that two groups of schools will participate and contribute information on whether participation and engagement is better in the fall or spring when many of the highly qualified seniors have graduated early or moved on. She explained that participation is voluntary (Title I funds are not attached to a school's selection) but they have not had a problem in the past with schools participating and do not anticipate a lack in volunteering. Students are able to tell the test administrators that they do not want to participate and they can be excused at any time. However, they have always had a 100% participation in the past.

Dr. Pedicone asked what is required at the elementary level in terms of NAEP and Dr. Ziker explained that 4<sup>th</sup> and 8<sup>th</sup> grades that participated in the NCLB state-mandated NAEP must participate by law.

Dr. Ziker explained that assessment schedules were collected last year with SAIS ID's from every school that participated and these were aligned with those who took NAEP and AIMS. She added that they would also like to look at the science assessment taken last year.

Dr. Ziker pointed out that the results of the 2005 Math/Reading for 4<sup>th</sup> and 8<sup>th</sup> grades will be coming out September 27-29 which will give a preview of what to expect before it comes out in the media. She added that this embargoed report will be used to update the Superintendent.

Ms. Roberta Alley, Deputy Associate Superintendent, Assessment Division, Arizona Department of Education, clarified the test schedule:

- Grades 3-8 have four days of testing for approximately 2 hours each day
- NAEP test is 90 minutes, taken once
- State assessment is 4 days for approximately 2 hours each day
- Terra Nova for 2<sup>nd</sup> and 9<sup>th</sup> grades is 2 hours each day for 2 days
- High school is 3 days for approximately 2 – 2½ hours
  - Additional 3 days for those who need to re-test in the fall
- In 2008 high school, 4<sup>th</sup> and 8<sup>th</sup> grade biology and science tests will be added for approximately an hour of testing (½ of what used to be tested)

Dr. Ziker reminded members that nominations are open for service on the National Assessment Governing Board (NAGB).

Ms. Alley noted that Dr. Ziker serves in the development of NAEP regarding item review and development and the framework.

Dr. Diethelm commented that NAEP is the most visible measurement of achievement and it is important that Arizona performs well on this assessment.

I. Presentation and Discussion Regarding the Adoption of AIMS Performance Level Descriptors

Ms. Roberta Alley, Deputy Associate Superintendent, Assessment Division, Arizona Department of Education, presented the background information provided in the materials packet describing the process that has been followed in writing and re-writing the Performance Level Descriptors. Ms. Alley noted that the PLD's are a general description of how a student looks at each performance level at each content at each grade. Ms. Alley stated that they took note of how this would look as a student moved from grade level to grade level and is currently up for review by state stakeholders. She added that they shared this with the state and national advisory council and it is agreed that the year's assessment should not be used but that a more extensive look at the whole performance objective be taken. She added that they wanted to maintain this at one page per grade level. Ms. Alley noted that the "Dear parents and guardians" letter, which is on the back of the parent report, will be edited noting Ms. Owen's suggestions to make it more readable for parents.

*The Board took a lunch break at 12:00 and re-convened at 1:00PM.*

J. Presentation, Discussion and Consideration of Board Policy Regarding Future Education Related Research and Proposed Intergovernmental Agreement with the Education Policy Studies Laboratory

Mr. Vince Yanez, Executive Director, Arizona State Board of Education, presented the background information provided in the materials packet, noting that in June 2005 principles of an education research proposal were presented for possible consideration. He added that that proposal was met with some concerns regarding the SBE's authority to conduct this research and/or share data outside this entity. At that time, the SBE instructed Mr. Yanez to draft a policy for consideration that would stay within the confines of the law. Mr. Yanez noted that a proposed policy is being presented today that meets all required criteria and includes the FERPA language. In addition, Mr. Yanez presented a proposed IGA and a letter from Dr. Michael Crow regarding this item, noting that the data are being disclosed to conduct research for one or more of the following reasons:

- To develop, validate or administer predictive tests
- To administer student aid programs
- To improve instruction

Further discussion ensued for clarification of language and Dr. David Garcia assured the Board that all entities have seen this document and that they are in agreement with it as submitted. In addition, Dr. Garcia assured the Board that in doing longitudinal work data may be stored for a period of time until specific studies are completed. It was noted that this is a big undertaking in getting the universities embedded in the community. Please see the complete policy as provided in the materials packet.

Dr. David Garcia noted that the timeline will be discussed with Dr. Eugene Garcia, Dean, College of Education, ASU, tomorrow as they outline a plan for moving forward.

Recommendations for changes to the IGA:

- 3.1 first sentence add: "as requested" at the end of the first sentence
- 3.1 at end of second sentence add "that will be approved by the State Board."
- 3.2 second to last line change "purposes" to "projects"
- 4.1 add "as requested by the approved research proposal" at the end of the paragraph
- 4.2, 4.3 and 4.11 insert the FERPA citation
- 4.8 add in last sentence "and ADE" after NAU

4.10 first sentence after “developed” add “pursuant to this agreement”, cross out “based on confidential data” and change “presented” to “provided”

5.2 second line change “approve” to “recommend” and in the third line second sentence, change “may” to “will”

Motion by Ms. Basha to approve with modifications the proposed policy regarding education related research and the proposed Intergovernmental Agreement with the Arizona Education Policy Initiative (AEPI). Seconded by Ms. Kramer. *Motion passes.*

K. Presentation, Discussion and Consideration to Adopt Rules Relating to the Augmentation of Students’ AIMS Scores

Mr. Vince Yanez, Executive Director, Arizona State Board of Education, presented the item via PowerPoint Presentation included in the materials packet.

Mr. Yanez noted that the Legislature required the SBE to adopt rules by September 1, 2005 in this regard. He outlined that an AIMS Advisory Committee was formed, met several times during the summer and considered the eligibility requirements, process, formula, etc. He addressed the appeal process (remediation or missing an administration of the AIMS test), the public comment received regarding the proposed rules (request to strike Item C3), the allowances discussed for special education students’ IEP, and demonstrated sample calculations. Mr. Yanez noted that the committee wanted the instruction for calculating augmentations to be clear to districts and counselors and that the only criteria in the rule for an exception are an extreme circumstance. He added that trust is given to the local governing boards to set criteria for this consideration and that responsibility should be at the local level in the event there is a challenge.

The following observations were brought out in the ensuing discussions:

- Honors class, from the community college perspective, could be dual enrollment that takes the place of an honors curriculum
- Alternative is used because it is stipulated by legislation
- Honors class is whatever the charter/district designates as an honors or AP class
- Add information that communicates to local boards that they have the prerogative of determining what courses will be classified as AP or dual enrollment

Mr. Mike Smith, Arizona School Administrators, addressed the Board noting that transfer students must have special consideration and that the parent and student have a right to appeal to their Board. Mr. Smith wanted to make the Board aware that this is a process and procedure that falls to the local board and the local jurisdiction must be very clear.

Ms. Hilde noted that this can provide good service to districts with a letter of clear explanation and a sample master appeal form, which include points made by Mr. Smith and a template for them to use in making local decisions.

Motion to adopt the proposed Rule R7-2-302.05 and R7-2-302.06 as modified with the addition of the data collection stipulations by Ms. Hilde. Seconded by Ms. Basha. *Motion passes. Ms. Mendoza voted no.*

Ms. Mendoza explained that she understands that this must be done due to the legislative mandate, but that she does not agree with the concept. She noted that there may be implications for special education students, that this is not an alternative pathway and that we are not addressing those students who don’t have an opportunity for a true alternative based on the fact that they are too far below the established cut point.

*Motion by Dr. Pedicone that the State Board go into Executive Session. Seconded by Dr. Nicodemus. Motion passes. Board went into Executive Session at 2:25PM. Motion to reconvene by Ms. Hilde and seconded by Ms. Mendoza. Motion passes. Board reconvened at 3:25PM.*

L. Presentation, Discussion and Consideration to Adopt Policy Regarding the Board’s Exempt Rulemaking Procedures

Mr. Vince Yanez, Executive Director, Arizona State Board of Education, presented the background information and stated that it was suggested that the rules define what an emergency is and Mr. Yanez responded that C (1) uses the language straight out of Title 41, which is also the language used by all non-exempt agencies. In addition, Mr. Yanez noted that this Board is still required to have legal counsel review the rules.

Motion by Ms. Owen to approve the proposed policy regarding the Board's exempt rulemaking procedures. Seconded by Dr. Pedicone. *Motion passes.*

Ms. Janice Palmer, Executive Director, Arizona School Boards Association, expressed that the ASBA's concerns about the rulemaking process have been addressed by Mr. Yanez and the State Board which included:

- What constitutes an emergency
- Insuring a review by the Attorney General's Office
- Hard deadline now has flexibility under B (4) to prevent pushing a rule through without sufficient time for consideration

Ms. Palmer asked the Board to consider that as stated under B (1) (B) there be a public meeting at a regular Board session to talk about proposed rulemaking and a second opportunity for comment at either a public hearing or via written comment. She also encouraged the Board to consider making it public if written comments are the means the Board wants to follow, making sure there is full disclosure.

- M. Executive Session, pursuant to A.R.S. §38-431.03 A (3) and (4), to Receive Legal Advice and/or Consult with and Instruct Counsel on Board's Position on Matters Relating to *Flores v. The State of Arizona*. The Board May, in General Session, Take Action Regarding this Matter.

Motion by Ms. Hilde to authorize legal counsel to proceed in the matter of *Flores v. The State of Arizona* as instructed in Executive Session. Seconded by Ms. Mendoza. *Motion passes.*

#### 7. Review of Board Policies and Procedures Regarding Election of Officers and Consideration to Appoint a Nominating Committee

Mr. Vince Yanez, Executive Director, Arizona State Board of Education, explained that in accordance with the Board's Policies and Procedures a Nominating Committee will be appointed in August of each year to recommend a slate of candidates for discussion at the September meeting for the officers that will serve for the upcoming year. The slate of candidates will formally be presented and voted on at the January meeting. Mr. Yanez added that according to Board tradition the Nominating Committee has consisted of the sitting president, one education member and one lay member. Nominations and/or volunteers to serve as the Nominating Committee will be: Dr. Diethelm, Ms. Basha, and Dr. Pedicone.

#### 7. ADJOURN

Motion to adjourn by Ms. Hilde. Seconded by Ms. Basha. *Motion passes.* Meeting adjourned at 4:12PM.